

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-113 (PJS/TNL)

Plaintiff,

v.

ORDER

Cortez Hollis,

Defendant.

This matter comes before the Court on Defendant Cortez Hollis's Unopposed Motion for a Continuance of Pretrial Dates and Amendment of Scheduling Order. ECF No. 28. Defendant also filed a Statement of Facts in Support of his Unopposed Motion for a Continuance of Pretrial Dates and Amendment of Scheduling Order. ECF No. 30.

Defendant requests a 90-day extension all the deadlines in the Court's scheduling order. ECF No. 28 at 1-2. Defendant states that "[t]his is a complex matter involving voluminous materials," and they need additional time "to facilitate orderly discovery disclosures and permit the Defense sufficient time to analyze discovery disclosures" *Id.* In his Statement of Facts, Defendant requests that from December 6, 2023 to April 8, 2024 be excluded from computation under the Speedy Trial Act. ECF No. 30 at 2; *see also* ECF No. 28 at 2. Defendant notes that the Government does not oppose this request. ECF No. 28 at 2.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial, and that such continuance is necessary to provide the parties reasonable time necessary for effective preparation and to make efficient use of the parties' resources. While Defendant requests that the period from Defendant's motion (December 6, 2023) up through the deadline for any responsive notice of intent to call witnesses (April 8, 2024) be excluded from the Speedy Trial Act, Defendant is ultimately seeking an extension of the time to file motions. *See* 18 U.S.C. § 3161(h)(7)(A). Accordingly, under the circumstances, the Court finds it appropriate to exclude time up to the new motions filing deadline, namely, March 19, 2024. Therefore, Defendant's motion is granted in part and denied in part.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Unopposed Motion for a Continuance of Pretrial Dates and Amendment of Scheduling Order, ECF No. 28, is **GRANTED IN PART** and **DENIED IN PART**.

2. The period of time from **December 6, 2023 through March 19, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **December 7, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **December 7, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

4. Pursuant to the Due Process Protections Act, the Court confirms the United

States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

5. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **December 14, 2023**. D. Minn. LR 12.1(a)(2).

6. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

7. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 19, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

8. Counsel shall electronically file a letter on or before **March 19, 2024**, if no motions will be filed and there is no need for a hearing.

9. All responses to motions shall be filed by **April 2, 2024**. D. Minn. LR 12.1(c)(2).

10. Any Notice of Intent to Call Witnesses shall be filed by **April 2, 2024**. D.

Minn. LR 12.1(c)(3)(A).

11. Any Responsive Notice of Intent to Call Witnesses shall be filed by **April 8, 2024**. D. Minn. LR 12.1(c)(3)(B).

12. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- b. The Government makes timely disclosures, and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

13. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **April 18, 2024**, at **1:30 p.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

14. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Chief Judge Schiltz's chambers on or before ***a date to be determined***. Responses to trial-related motions (including motions in limine) must be submitted on or before ***a date to be determined***.

The parties must disclose the identity of any expert witness and make all required expert disclosures on or before ***a date to be determined***. The parties must disclose

the identity of any expert who will testify in rebuttal of an expert witness and make all required disclosures as to such expert on or before *a date to be determined*.

A pretrial conference will be held on *a date to be determined* in Courtroom 15, Minneapolis, before Chief Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case is scheduled for trial before Chief Judge Patrick J. Schiltz on *a date to be determined*, in **Courtroom 15**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Chief Judge Schiltz to confirm the new trial date.

Dated: December 21, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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